

Remarks

The Office Action mailed March 11, 2004 and made final has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Applicants and the undersigned wish to express their appreciation to the Examiner for the courtesies he extended during a telephone interview that occurred on June 7, 2004. During the interview, the Office Action dated March 11, 2004 was discussed along with a sister case to the present patent application that has already been allowed by the U.S. Patent Office. More specifically, Grewal et al. U.S. Patent No. 6,691,159 ("Grewal '159") is a sister case to the present application. Grewal '159 issued as a patent on February 10, 2004. According to the Notice of Allowance, the reasons for allowing Grewal '159 was that the prior art failed to teach individually or in combination "displaying on a client system after the user has selected the expert assistance path at least one available expert with the corresponding information that satisfies the user request and displaying on said client system a waiting time for each said available expert displayed, as set forth in independent claims 1 and 14." The prior art considered in the prosecution of Grewal '159 included numerous U.S. patents including Pinard et al. U.S. Patent No. 6,230,287 and Galdes et al. U.S. Patent No. 6,177,932.

Although no agreement was reached with respect to the patentability of the claims in the present case, the Examiner suggested that Applicants include the allowable subject matter from Grewal '159 in the present independent claims (Claims 1 and 17). The Examiner indicated that, if a Request for Continued Examination (RCE) was filed, he would consider these changes and review the file for Grewal '159. He further indicated that he may then allow the present application.

Applicants have amended independent Claims 1 and 17 to include the allowable subject matter from Grewal '159. Accordingly, Applicants respectfully submit that the present patent application is in condition for allowance.

Claims 1-40 are now pending in this application. Claims 1-40 stand rejected.

As explained below in greater detail, Applicants respectfully submit that none of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest a method for indicating expert availability to a help-seeker that includes providing a database within a server system having a pool of available experts with corresponding expert information including at least one area of expertise and biographical data of each expert wherein an available expert is an expert currently in communication with a client system, displaying information on the client system identifying alternative paths for assistance to the user including at least one of an educational path and an expert assistance path, receiving from the help-seeker through a client system after the help-seeker has selected the expert assistance path a request for at least one available expert, searching the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts, retrieving at least one available expert with corresponding expert information satisfying the database search, and prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information.

Although Pinard, Sonesh, and Galdes mention providing help to a user through a support specialist, an agent, or an advisor, none of Pinard, Sonesh, or Galdes, alone or in combination, describe or suggest receiving from a help-seeker through a client system after the help-seeker has selected an expert assistance path a request for at least one available expert, searching a database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within a pool of available experts, retrieving at least one available expert with corresponding expert information satisfying the database search, displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker's request, and prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information. Rather, Pinard merely describes displaying a web page that includes a list of support specialists and does not describe conducting a search of a database after receiving a search request from a help-seeker such that the help-seeker can then select an expert to provide the help; Sonesh describes receiving a call at a call distribution system that routes the call to an agent based on

routing algorithms and does not describe prompting a help-seeker to select an available expert from a display; and Galdes describes a workflow controller that controls what cases are routed to each advisor so that that advisor can provide help to a client and does not describe conducting a search of a database after receiving a search request from a help-seeker such that the help-seeker can then select an expert to provide the help.

Moreover, none of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest displaying on a client system to a help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from a server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker. Rather, the Office Action fails to address this recitation as to references Pinard, Sonesh, and Galdes, but instead, the Office Action appears to suggest that Burgess teaches this recitation. However, as discussed below, none of Pinard, Sonesh, Galdes, or Burgess describe or teach displaying on the client system to the help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from a server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker.

The rejection of Claims 1-8, 13-33, and 36-40 under 35 U.S.C. § 103(a) as being unpatentable over Pinard et al. (U.S. Patent No. 6,230,287) ("Pinard") in view of Sonesh et al. (U.S. Patent No. 6,046,762) ("Sonesh") further in view of Galdes et al. (U.S. Patent No. 6,177,932) ("Galdes") is respectfully traversed.

Pinard describes a web based help desk (12) that includes a web server (72) having memory storing a help desk web page. Web server (72) allows remote user computers (20, 22) to access web server (72) via an internet or intranet connection thereby to access and display the help desk web page. A plurality of computers (74), operated by support specialists, are in

communication with web server (72) to allow support specialists to communicate with remote users requiring support. The support specialists are selectable through the web page. A support specialist status application (88) monitors the status of the support specialists and remote users requesting support and prompts web server (72) to establish a connection between a support specialist and a remote user when a support specialist becomes available.

Sonesh describes a multimedia telecommunication automatic call distribution center which allows access to the call center via a plurality of access means, including telephone and data networks to provide simultaneous voice, data, and video access, and ensures effective transparent spreading of agents over different geographical locations. The automatic call distribution center uses a multimedia automatic call distribution server acting as connection manager for data network callers and provides for automatic caller identification. Routing algorithms are stored in and decided by the call distribution server for routing a caller to an agent.

Galdes describes a method and apparatus for a network based customer service. In response to a customer requesting help, a menu that includes three levels of interaction is displayed. One level of interaction is self-help searching in a database of information. A second level of interaction is asynchronous help, wherein a customer posts a help query using a computer system which is later answered by an advisor. The third level of interaction is synchronous help, which includes interaction between a customer and an advisor. If, for example, the customer selects synchronous help, the method includes the steps of alerting the advisor and displaying a list of previously visited sites by the customer to the advisor. The synchronous help method further includes providing a synchronized display between the customer and the advisor, such that the advisor sees an identical display to the customer.

Claim 1 recites a method for indicating expert availability to a help-seeker from a pool of experts currently in communication with a client system - server system that includes "connecting the client system to the server system...providing a database within the server system comprising a pool of available experts with corresponding expert information including

at least one area of expertise and biographical data of each expert, wherein an available expert is an expert currently in communication with the client system, the experts pool further comprising identification of experts and their availability for providing immediate help to the help-seeker...displaying information on the client system identifying alternative paths for assistance to the user, the alternative paths include at least one of an educational path and an expert assistance path, the educational path includes information from a plurality of sources, the expert assistance path includes access to the pool of available experts stored in the database...receiving from the help-seeker through the client system, after the help-seeker has selected the expert assistance path, a request for at least one available expert...searching the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts...retrieving at least one available expert with corresponding expert information satisfying the database search...displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker's request, the expert information further includes expert availability information displayed through an applet downloaded from the server system and a help history, the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, the help history displays a summary of prior communications between the help-seeker and available experts...prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information...and contacting the selected expert through the client system via at least one of instant messaging, on-line meeting, and on-line chat."

None of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest a method for indicating expert availability to a help-seeker as recited in Claim 1. More specifically, none of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest a method that includes providing a database within a server system having a pool of available experts with corresponding expert information including at least one area of expertise and biographical data of each expert wherein an available expert is an expert currently in

communication with a client system, displaying information on the client system identifying alternative paths for assistance to the user including at least one of an educational path and an expert assistance path, receiving from the help-seeker through the client system after the help-seeker has selected the expert assistance path a request for at least one available expert, receiving from the help-seeker through the client system a request for at least one available expert, searching the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts, retrieving at least one available expert with corresponding expert information satisfying the database search, and prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information.

Moreover, none of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest displaying on the client system to the help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from the server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker.

Rather, Pinard describes a web based help desk that includes a web server and a plurality of computers that are operated by support specialists and are in communication with the web server which allow the support specialists to communicate with remote users requiring support; Sonesh describes a multimedia telecommunication automatic call distribution center which utilizes routing algorithms stored in and decided by a call distribution server for routing a caller to an agent; and Galdes describes a network based customer service system that enables a customer to request help using three levels of interaction including self-help searching in a database, asynchronous help including a customer posting a help query that is later answered by an advisor, and synchronous help including interaction between a customer and an advisor.

As acknowledged by the Office Action at page 3, Pinard does not disclose “wherein an available expert is an expert currently in communication with the client system, receiving from the help-seeker through the client system a request for at least one available expert.” Applicants respectfully submit that Pinard does not describe nor teach receiving from a help-seeker through a client system after the help-seeker has selected an expert assistance path a request for at least one available expert, searching a database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts, retrieving at least one available expert with corresponding expert information satisfying the database search, and displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request. Rather, Pinard merely describes displaying a web page that includes a list of support specialists and does not describe or teach receiving from a help-seeker a request for at least one available expert, searching a database to match the help-seeker request, and displaying to the help-seeker the at least one available expert that satisfies the help-seeker’s request.

Moreover, as acknowledged by the previous Office Action dated April 10, 2003 at page 6, Pinard does not “disclose an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user.” Applicants therefore submit that Pinard does not describe nor teach displaying expert information and a help history, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and wherein the help history displays a summary of prior communications between the help-seeker and available experts.

The Office Action asserts at pages 3 and 4 that Sonesh discloses a “server, a client device configured with a browser, and interconnection between the server and client device, a display of menu choices relating to available experts currently in communication with the client device, and where the server is configured to receive request from users “help-seekers” relating to expert information and displaying an available expert”. However, the Office Action fails to assert that Sonesh describes or teaches the actual recitations included within Claim 1.

For example, Claim 1 recites “providing a database within the server system comprising a pool of available experts with corresponding expert information including at least one area of expertise and biographical data of each expert, wherein an available expert is an expert currently in communication with the client system, the experts pool further comprising identification of experts and their availability for providing immediate help to the help-seeker”. Sonesh does not describe or teach this recitation.

Claim 1 also recites “displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request...prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information”. Sonesh does not describe or teach this recitation. Rather, Sonesh describes a system wherein a user calls a multimedia automatic call distribution system which then routes the user to an agent that has been selected by the distribution system after applying routing algorithms (col. 5, lines 33-50). Specifically, Sonesh teaches at column 5, lines 43-46 that “Routing algorithms, such as which caller will be routed to which agent or agent group, based on caller identity, and/or agent skills and/or call priority, are stored in and decided by the MMACD server”. In other words, the present invention teaches receiving from a help-seeker, after the help-seeker has selected the expert assistance path, a request for at least one available expert, searching a database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within a pool of available experts, retrieving at least one available expert with corresponding expert information satisfying the database search, displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request, and prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information; while Sonesh teaches a caller that calls an MMACD with routing algorithms stored in and decided by the MMACD server that route the caller to a system selected agent. Thus, the present invention enables the help-seeker to search for an available expert based on a submitted request and then select an

available expert from a display, while Sonesh describes a system that selects an agent in response to a call and does not enable the caller to select a particular agent from a display.

Furthermore, although Sonesh describes at column 7, lines 33-37 that if an “agent is not available, the call is placed in an appropriate wait queue...caller is notified of the current average queue wait time, the number of callers ahead of him, and other relevant information”, Sonesh does not describe nor teach displaying on a client system to a help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from the server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker.

The Office Action also asserts at page 4 that although the combination of Pinard and Sonesh fails to disclose a help history displaying a summary of prior communications between the help-seeker and available experts, Galdes discloses a customer service system for retrieving customer history and customer previous help requests for an advisor. However, Galdes does not describe or teach displaying on a client system to a help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from the server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker. In fact, the Office Action fails to even address this recitation included within Claim 1. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Sonesh and further in view of Galdes.

For at least the reasons set forth above, Claim 1 is submitted to be patentable over Pinard in view of Sonesh and further in view of Galdes.

Claims 2-8, and 13-16 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-8, and 13-16 are considered in combination with the recitations of

Claim 1, Applicants submit that dependent Claims 2-8, and 13-16 likewise are patentable over Pinard in view of Sonesh and further in view of Galdes.

Claim 17 recites a system for indicating expert availability to a help-seeker, through an applet, from a pool of experts, the system includes a server system, a client system connected to the server system, and a database having at least one of an educational path component and an expert assistance path component wherein the expert assistance path component includes an expert pool of available experts with corresponding expert information including at least one area of expertise and biographical data of each expert, wherein an available expert is an expert currently in communication with the client system and the expert pool includes identification of experts and their availability for providing immediate help to the help-seeker, the server system configured to “receive from the help-seeker through the client system, after the help-seeker has selected the expert assistance path, a request for at least one available expert...search the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts...retrieve at least one available expert with corresponding expert information satisfying the database search...display on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request, said expert information further comprises expert availability information displayed through an applet and a help history, said expert availability information comprises an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time said expert spends assisting a help-seeker, said help history displays a summary of prior communications between the help-seeker and available experts...and prompt the help-seeker to select at least one available expert from the display based on said expert information and said expert availability information.”

None of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest a system for indicating expert availability to a help-seeker that includes a database having at least one of an educational path component and an expert assistance path component wherein the expert assistance path component includes an expert pool of available experts with corresponding expert information including at least one area of expertise and biographical data

of each expert, wherein an available expert is an expert currently in communication with the client system and the expert pool includes identification of experts and their availability for providing immediate help to the help-seeker.

Moreover, none of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest a server system configured to receive from a help-seeker through a client system after the help-seeker has selected an expert assistance path a request for at least one available expert, search the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts, retrieve at least one available expert with corresponding expert information satisfying the database search, display on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker's request, and prompt the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information.

Furthermore, none of Pinard, Sonesh, or Galdes, considered alone or in combination, describe or suggest a server system configured to display expert information that includes expert availability information, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker.

Rather, Pinard describes a web based help desk that includes a web server, and a plurality of computers that are operated by support specialists and are in communication with the web server which allow the support specialists to communicate with remote users requiring support; Sonesh describes a multimedia telecommunication automatic call distribution center which utilizes routing algorithms stored in and decided by a call distribution server for routing a caller to an agent; and Galdes describes a network based customer service system that enables a customer to request help using three levels of interaction including self-help searching in a database, asynchronous help including a customer posting a help query that is later answered by an advisor, and synchronous help including interaction between a customer and an advisor.

As acknowledged by the Office Action at page 3, Pinard does not “disclose wherein an available expert is an expert currently in communication with the client system, receiving from the help-seeker through the client system a request for at least one available expert.” Applicants respectfully submit that Pinard does not describe nor teach a server system configured to receive from a help-seeker through a client system after the help-seeker has selected an expert assistance path a request for at least one available expert, search the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts, retrieve at least one available expert with corresponding expert information satisfying the database search, display on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker’s request, and prompt the help-seeker to select at least one available expert from the display. Rather, Pinard merely describes displaying a web page that includes a list of support specialists and does not describe or teach receiving from a help-seeker a request for at least one available expert, searching a database to match the help-seeker request, and displaying to the help-seeker the at least one available expert that satisfies the help-seeker’s request.

Moreover, as acknowledged by the previous Office Action dated April 10, 2003 at page 6, Pinard does not “disclose an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user.” Applicants therefore submit that Pinard does not describe nor teach a server system configured to display expert information that includes expert availability information and a help history, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and wherein the help history displays a summary of prior communications between the help-seeker and available experts.

Applicants also submit that Sonesh does not describe nor suggest a server system configured to receive from a help-seeker through a client system a request for at least one available expert, search the database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within the pool of available experts, retrieve at

least one available expert with corresponding expert information satisfying the database search, display on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker's request, and prompt the help-seeker to select at least one available expert from the display based on expert information and expert availability information. Rather, Sonesh describes a system wherein a user calls a multimedia automatic call distribution system which then routes the user to an agent that has been selected by the distribution system after applying routing algorithms (col. 5, lines 33-50). Specifically, Sonesh teaches at column 5, lines 43-46 that "Routing algorithms, such as which caller will be routed to which agent or agent group, based on caller identity, and/or agent skills and/or call priority, are stored in and decided by the MMACD server". Thus, Sonesh teaches away from the present invention on this point.

The present invention teaches displaying information on a client system identifying alternative paths for assistance to the user including at least one of an educational path and an expert assistance path wherein the educational path includes information from a plurality of sources and the expert assistance path includes access to the pool of available experts stored in the database, receiving from a help-seeker after the help-seeker has selected the expert assistance path a request for at least one available expert, searching a database to match the help-seeker request with at least one of an area of expertise and biographical data of each expert within a pool of available experts, retrieving at least one available expert with corresponding expert information satisfying the database search, displaying on the client system to the help-seeker at least one available expert with corresponding expert information that satisfies the help-seeker's request, and prompting the help-seeker to select at least one available expert from the display based on the expert information and the expert availability information; whereas Sonesh teaches a system wherein a caller calls an MMACD which then uses routing algorithms to route the caller to a system selected agent. Thus, the present invention enables the help-seeker to search for an available expert based on a submitted request and then select an available expert from a display, while Sonesh describes a system that selects an agent in response to a call and does not enable the caller to select the agent from a display.

Furthermore, Sonesh does not describe nor teach displaying expert information that includes expert availability information and a help history, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker, and wherein the help history displays a summary of prior communications between the help-seeker and available experts. Sonesh does not teach nor even mention displaying a help history. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard in view of Sonesh and further in view of Galdes.

For at least the reasons set forth above, Claim 17 is submitted to be patentable over Pinard in view of Sonesh and further in view of Galdes.

Claims 18-33, and 36-40 depend, directly or indirectly, from independent Claim 17. When the recitations of Claims 18-33, and 36-40 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18-33, and 36-40 likewise are patentable over Pinard in view of Sonesh and further in view of Galdes.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-8, 13-33, and 36-40 be withdrawn.

The rejection of Claims 9-12 and 34-35 under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Sonesh and further in view of Burgess et al. (U.S. Patent No. 5,815,554) ("Burgess") is respectfully traversed.

Pinard and Sonesh are both described above. Burgess describes a timing system which permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available. If the operator of the device is unavailable, the timing system indicates at what time the operator will be available.

Claims 9-12 depend from independent Claim 1. Claim 1 is recited above. As set forth in the arguments above, none of Pinard, Sonesh, or Burgess, considered alone or in combination,

describe or suggest a method as recited in Claim 1. More specifically, none of Pinard, Sonesh, or Burgess, considered alone or in combination, describe or suggest a method that includes displaying on a client system to a help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from a server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker.

Rather, Pinard describes a web based help desk that includes a web server, and a plurality of computers that are operated by support specialists and are in communication with the web server which allow the support specialists to communicate with remote users requiring support; Sonesh describes a multimedia telecommunication automatic call distribution center which utilizes routing algorithms stored in and decided by a call distribution server for routing a caller to an agent; and Burgess describes a timing system which permits an operator of the timing system to indicate to others who wish to interact with the operator whether the operator is currently available.

As acknowledged by the previous Office Action dated April 10, 2003 at page 6, Pinard does not “disclose an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a user.” Moreover, although Burgess mentions at column 13, lines 9-10 that the system provides a “remote access of the availability status indicator or availability time indicator”, Burgess does not describe nor suggest a method that includes displaying on a client system to a help-seeker at least one available expert with corresponding expert information including expert availability information displayed through an applet downloaded from a server system, wherein the expert availability information includes an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker. Rather, the availability status indicator and the availability time indicator described in Burgess, which is displayed on an Availability Unit, merely show whether the operator is available, and, if not available, when the operator will return to be available. Burgess does not

describe nor suggest an expert availability indicator that displays a waiting time for each available expert displayed and an average amount of time the expert spends assisting a help-seeker.

Moreover, in Burgess, the Availability Unit is a device that is positioned in a location such that visitors can easily see it to determine whether the operator is available. In contrast to the present invention, Burgess does not describe or teach displaying on a client system expert availability information through an applet downloaded from a server system. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Pinard in view of Sonesh and further in view of Burgess.

When the recitations of Claims 9-12 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 9-12 likewise are patentable over Pinard in view of Sonesh and further in view of Burgess.

Claims 34 and 35 depend from independent Claim 17. Claim 17 is recited above. As set forth in the arguments above, none of Pinard, Sonesh, or Burgess, considered alone or in combination, describe or suggest a system as recited in Claim 17. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Pinard in view of Sonesh and further in view of Burgess.

When the recitations of Claims 34 and 35 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 34 and 35 likewise are patentable over Pinard in view of Sonesh and further in view of Burgess.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 9-12 and 34-35 be withdrawn.

In addition to the arguments set forth above, Applicants respectfully submit that the rejection of Claims 1-8, 13-33, and 36-40 under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Sonesh further in view of Galdes; and the rejection of Claims 9-12 and 34-35

under 35 U.S.C. § 103(a) as being unpatentable over Pinard in view of Sonesh and further in view of Burgess are further traversed on the grounds that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Pinard using the teachings of Sonesh, Galdes, and Burgess. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levensgood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

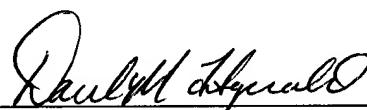
None of Pinard, Sonesh, Galdes or Burgess, considered alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion for the combination of Pinard, Sonesh, Galdes, or Burgess, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to

deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection of Claims 1-8, 13-33, and 36-40 over Pinard, Sonesh and Galdes; and the Section 103 rejection of Claims 9-12 and 34-35 over Pinard, Sonesh, and Burgess be withdrawn.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-40 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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